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Frank C. Nicholas
CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

EXAMINER

BONSHOCK, DENNIS G

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/981,905
Filing Date: October 18, 2001
Appellant(s): MARTINEZ ET AL.

Frank C. Nicholas (reg. 33,983)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10-29-04.

De

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims of Group I and of Group II do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,396,474

Johnson

5-2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-17 are rejected under 35 U.S.C. 102(e). This rejection is set forth in a prior Office Action, mailed on 8-25-04.

(11) Response to Argument

GROUP I:

With respect to the group of claims including Claims 1-3, 6, 9-11, 14, and 17, the Appellant's arguments are focused on the limitations regarding the "modifying a display position indicator on the display screen,". More specifically as stated from representative claim 1, the limitation argued is:

*Modifying a display position indicator... based on a data transfer
command and animating data transfer on the display screen*

Since the interpretation of the limitation is the basis for arguments, the Examiner's interpretation is now given. With regard to the limitation, 'modifying a display position indicator on a display screen,' this is interpreted to mean any alteration (addition to, lessening of, graphical modification) of a positional indicator (mouse position indication, location cursor). With regard to the limitation, 'animating data transfer on the display screen,' this is interpreted to mean any graphical transformation associated with the transfer of data. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the reference Johnson, Jr. et al., hereinafter Johnson, are within the scope of these limitations.

Johnson teaches a system in which a text object is created from user-selected text, the text is then snapped to a cursor for the purpose of moving the text (see column 1, line 40-55). The text is gradually moved to the other end of the cursor (column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). The user is then free to move the text on screen in search for an insertion point where upon selection by a user the text is visually zoomed from the source location to the insertion point (see column 1, lines 47-55).

The examiner will now address the individual arguments and statements made by the Appellant.

From page 5 of the Appeal Brief, from the first paragraph, the Appellant argues "Johnson does not disclose 'modifying a display position indicator on a display screen', as claimed in independent claims 1, 9, and 17."

The examiner contends that Johnson does show a modification to a display position indicator, by adding the image of the text object to the position indicator (see column 1, line 40-55, column 4, 65 through column 5, line 9). This passage shows a text object being snapped to a cursor, and further once snapped ensuring the at the text object follow the movement of the cursor on the monitor. This movement with the cursor clearly shows the text it self is a positional indicator. The snapping to the cursor provides a correspondence between movement of the pointer and associated subject matter, making the cursor look like both a pointer and a text string.

From page 5 of the Appeal Brief, from the second paragraph, the Appellant argues that "it is clear that a system in which text is snapped to a cursor is not the identical invention as 'modifying a display position indicator... based on a data transfer command and animating data transfer on the display screen' as claimed." First arguing that, "'snapping' and 'animating' are entirely different." Secondly arguing that, "text is not a display position indicator.

The examiner contends that with respect to the first argument Johnson does show, in column 4, lines 20-34, column 5, lines 3-5, column 7, lines 5-10, and in figures 3A-3C, a modification of the position indicator in response to a cut or copy command, where the selected text is gradually moved to the other end of the cursor (non-pointed end), where size may be modified (as shown in column 4, line 27 and as asserted to in column 3, lines 23-26, where the object is said to be visually zoomed). This text is

animated in its movement to the snapped location, providing in indication of the transfer of data to or from the cursor.

The examiner contends that with respect to the second argument Johnson does show in column 1, line 40-55, column 4, 65 through column 5, line 9, that this movement with the cursor clearly shows the text it self is a positional indicator. The snapping to the cursor provides a correspondence between movement of the pointer and associated subject matter, making the cursor look like both a pointer and a text string.

GROUP II:

With respect to the group of claims including Claims 4-5, 7-8, 12-13, and 15-16, the Appellant's arguments are focused on the limitations regarding the "reducing a marked object to a reduced object".

Since the interpretation of the limitation is the basis for arguments, the Examiner's interpretation is now given. With regard to the limitation, 'reducing a marked object to a reduced object' this is interpreted to mean making selected object smaller in size. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the reference Johnson, Jr. et al., hereinafter Johnson, are within the scope of these limitations.

Johnson teaches a system in which a text object is created from user-selected text, the text is then snapped to a cursor for the purpose of moving the text (see column 1, line 40-55). The text is gradually moved to the other end of the cursor (column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). The user is then free to move the text onscreen in search for an insertion point where upon selection by a user the text is visually zoomed from the source location to the insertion point (see column 1, lines 47-55). This representation of the text object snapped to the cursor which is visually zoomed in and out may be created by generating a bit map and limiting its size (see column 4, lines 20-34).

The examiner will now address the individual arguments and statements made by the Appellant.

From page 6 of the Appeal Brief, from the first paragraph, the Appellant argues "Johnson does not disclose, at minimum, 'reducing a marked object to a reduced object' as claimed in claim 4"

The examiner contends that Johnson does show a limiting of the size of the marked object to create a representation of the text object that doesn't obscure as much display space (see column 4, lines 20-34, column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). This limiting of size referees to the production of a reduced size object, as it is said to help with obscuring less of the display.

From page 6 of the Appeal Brief, from the forth paragraph, the Appellant argues "Johnson does not disclose moving the object as the object is being reduced"

The examiner contends that Johnson does show a zooming of an object from a source location to a destination location (see column 4, lines 20-34, column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). Zooming is known in the art to comprise an increase or decrease in size of a visual depiction of an object as viewed by a user. Here the source location could be either <the position snapped to a cursor> or the <position in a document>, with its destination being the other of the two.

From page 6 of the Appeal Brief, from the fifth paragraph, the Appellant argues "Johnson does not disclose expanding a reduced object"

The examiner contends that Johnson does show a zooming of an object from a source location to a destination location (see column 4, lines 20-34, column 5, lines 3-5 and lines 26-44 and in figures 3A-3E). Zooming is known in the art to comprise an increase or decrease in size of a visual depiction of an object as viewed by a user. Here the source location could be either <the position snapped to a cursor> or the <position in a document>, with its destination being the other of the two.

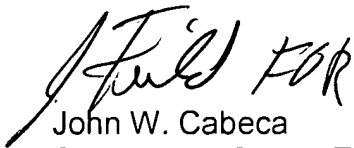
Art Unit: 2173

For the above reasons, it is believed that the rejections should be sustained.

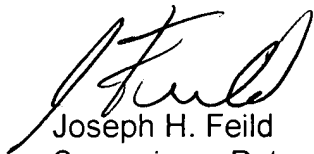
Respectfully submitted,




Dennis G. Bonshock
March 30, 2005



John W. Cabeca
Supervisory Patent Examiner
March 30, 2005



Joseph H. Feild
Supervisory Patent Examiner
March 30, 2005



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

Raymond J. Bayerl
Primary Examiner
March 30, 2005

Frank C. Nicholas
CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201